

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No. 2:18-mn-2873-RMG

Case Management Order No. 11B

**This Order relates to
ALL CASES**

REMOTE DEPOSITIONS – OBJECTIONS OMITTED FROM RECORD

1. This Order amends via supplementation Case Management Orders 11 and 11A, which established a protocol for the conduct of remote depositions in this multidistrict litigation during the ongoing COVID-19 pandemic, solely for the purpose of addressing corrections to the stenographic record to account for contemporaneously-made objections by counsel that were omitted due to potential technical limitations of the remote deposition environment.

2. The parties recognize that technical issues associated with using a Remote Platform for depositions may result in the court reporter not hearing and transcribing contemporaneous objections to form that are asserted by counsel, and/or the audio recording of the deposition not picking up such objections. The parties agree to address this issue as follows.

3. The remote deposition vendor shall make “real-time” transcription of the deposition available to attending/appearing counsel in accordance with CMO 11, so that counsel may confirm during the deposition that all asserted objections to form are being heard and transcribed. Objecting counsel are responsible for having an attorney view the real-time transcription for this purpose. If any objection to form that was asserted does not appear in the real-time transcription, then at the earliest convenient time (e.g., during a pause between questions; just before or after the next break), but in all events before the deposition is concluded, counsel who asserted the objection

should inform the examining counsel and the court reporter that the objection was asserted but not transcribed, and the court reporter will include the objection in the transcript at the applicable page and line number.

4. If counsel who asserted an objection to form that does not appear in the real-time transcription fails to notify the examining counsel and the court reporter of the omission before the deposition is concluded, then such objection to form is waived, except: (i) if the objection can be heard on the official audio recording of the deposition, in which case the court reporter, after consultation with the examining and objecting counsel, will include the objection in the final transcript; (ii) if the real-time transcription is not functioning or not available, in which case counsel shall work collaboratively to resolve the issue; or (iii) for good cause shown.

5. If the parties cannot agree on any issue that arises under this Order, the dispute shall be raised with the Court for resolution.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

July 15, 2021
Charleston, South Carolina